

Remarks:

The October 3, 2003 Official Action has been carefully considered, In view of the claim amendments submitted herewith and these remarks, favorable reconsideration and allowance of this application are respectfully requested.

At the outset, it is noted that a shortened statutory response period of three (3) months was set in the October 3, 2003 Official Action. Accordingly, the initial due date for response was January 5, 2004, as January 3<sup>rd</sup> fell on a Saturday. A Petition for a three (3) month extension of the response period is presented with this amendment and request for reconsideration, which is being filed before the expiration of the three (3) month extension period.

In the October 3, 2003 Official Action, claims 4, 31, 32 and 36 stand rejected as allegedly indefinite based on the recitation of peptide length.

Claims 1, 4, 10, 11, 21, 31, 32, 36 and 38 have been rejected under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement of 35 U.S.C. §112. According to the Examiner claims 1, 4 and 38, as amended in the immediately preceding amendment, include recitations that represent a departure from the specification and claims as originally filed.

The Examiner has maintained the rejections of claims 1, 4, 10, 11, 21, 31, 32, 36 and 38 as allegedly failing to satisfy the enablement and written description requirements of

35 U.S.C. §112, for reasons of record.

The foregoing rejections constitute all of the grounds set forth in the October 3, 2003 Official Action for refusing the present application.

In accordance with the present amendment, the transitional phrase of claim 1 has been amended to read "consisting of" instead of "composed of". In addition, claim 1 has been amended to recite that the peptide is effective to bind a fibrin fragment E binding site, thereby modulating fibrin fragment E activity. Support for the latter amendment is provided in the present specification at page 3, line 17-through page 4, line 10. The purpose of this amendment is to provide antecedent basis for claim 10.

Applicants respectfully take exception to the Examiner's assertion, at page 4 of the October 3, 2003 Official Action, that the term "composed of" is open-ended. The proper interpretation of the transitional phrase "composed of" is addressed under the heading "Other Transitional Phrases" in § 2111 of the Manual of Patent Examining Procedure. It is by no means an open-ended term. In the interest of advancing prosecution of the present application to allowance, however, claim 1 has been amended by substituting "consisting of" for "composed of".

As a result of the present claim amendments, all of the rejections set forth in the October 3, 2003 Official Action have either been rendered moot or overcome. The various rejections

of claims 4, 11, 31, 32, 36 and 38 are moot in view of their cancellation. The cancellation of these claims should not be construed as indicative of applicants' concurrence or acquiescence in the rejections thereof set forth in the October 3, 2003 official action, or otherwise as an abandonment of applicants' efforts to secure patent protection on the subject matter of claims 4, 11, 31, 32, 36 and 38. Such arguments as applicants have to advance in rebuttal, however, are being reserved for a possible continuing application.

Claim 1, as amended, recites subject matter which is acknowledged by the Examiner as satisfying the enablement and written description requirements of 35 U.S.C. §112. See section 11, lines 1 and 2 and section 12, second paragraph of the October 3, 2003 Official Action. Accordingly, the rejection of claims 1, 10, and 21 based on the alleged failure to satisfy the enablement and written description requirements of 35 U.S.C. §112 have been overcome.

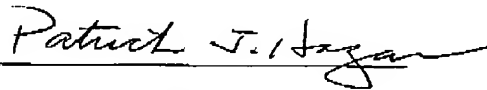
Entry of the present claim amendments is respectfully requested, inasmuch as these amendments neither introduce new matter nor require further examination or search, and they clearly place the application in condition for allowance. In any event, entry of the present amendment would materially reduce the issues that would need to be addressed on appeal, should an appeal be necessary in this case. These amendments were not presented earlier because the grounds of rejection to which they respond were raised for the first time in the October 3, 2003

Official Action.

In view of the present amendment and the foregoing remarks, all of the claims now pending in this application are believed to be allowable. Accordingly, the issuance of a Notice of allowance is in order and such action is earnestly solicited.

Respectfully submitted,

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Enclosure